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NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/6
24 July 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fourth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Report submitted by UNESCO

UNESCO ACTIVITIES CONCERNING PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

1. At the invitation of the Hungarian Government, the United Nations Educational Scientific and Cultural Organization (UNESCO), in cooperation with the Institute of Legal Sciences of the Hungarian Academy of Science, convened an international meeting of experts (Category VI) on the clarification of the links between the concepts of the rights of peoples, self-determination and cultural identity, at Budapest, from 25 to 29 September 1991.

2. The meeting was the fourth 1/ in a series of international meetings convened by the Director-General of UNESCO with the object of furthering the elucidation of the general concept of peoples' rights, with particular focus

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1/ The first meeting was held at Harare, from 2 to 5 December 1985. It dealt with the problems related to the rights of peoples and the historical and practical significance of these problems (see Final Report SHS-85/CONF.613/10). The second meeting was an international symposium organized at Canberra, from 24 to 28 August 1987. It concentrated on the

on cultural identity. This matter was highly relevant to events which had taken place since the earlier meetings, and to contemporary circumstances of great importance to international peace and the observance of human rights. It was in the light of such events and circumstances that the participants were asked to consider:

- the state of the debate on the concept of the rights of peoples;
- self-determination and cultural identity;
- peoples' rights and self-determination;
- cultural rights of peoples.

3. The participants reached the following general conclusions:

(a) The existence of peoples' rights as a concept of international law is now so well established that it cannot be seriously doubted;

(b) Legitimate debates remain:

(i) as to the precise scope of the concept and its application in particular circumstances;

(ii) as to the precise meaning of "peoples" who qualify for the exercise of peoples' rights;

(iii) as to the precise meaning of the "rights" which peoples, as such, enjoy;

(iv) in particular, as to the meaning of "self-determination" which is one peoples' right recognized by the Charter of the United Nations and affirmed in the International Covenants and as to the meaning of a right to cultural identity;

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clarification of the relationship between the rights of peoples and human rights as defined in existing universal international instruments (see Final Report SHS-87/CONF.802/7). The papers presented at this meeting were later published in a book, The Rights of Peoples, J. Crawford (ed.) (Oxford, Clarendon Press, 1988). The third meeting was held at Paris, from 27 to 30 November 1989. The Final Report of the meeting (SHS-89/CONF.602/7) reaffirmed the existence of the rights of peoples as an accepted concept of international law, described other UNESCO involvements in the study of the concept of peoples' rights, examined the controversy which had surrounded the elaboration of peoples' rights and offered a description (not a definition) of the meaning of a "people" for the purpose of the exercise of rights of peoples. The report also contained a number of conclusions and recommendations for future activities within UNESCO in the endeavour to make progress in elucidating the meaning and content of peoples' rights.

(v) as to the relationship between "peoples" and various subgroups of any nation, e.g. indigenous peoples, ethnic or other minorities, migrant workers, refugees and so-called unrepresented nations and peoples;

(c) As far as the peoples' right to self-determination is concerned, this must be given content within the context of the wider purposes of international law. These include ensuring international peace and security, and economic and social development. In such contexts, the extreme view of the right of self-determination as involving the entitlement of any group in any State to secede from that State cannot be admitted. It would seriously destablilize the international legal order and would not be tolerated by the States making up that order and would, in any case, not even achieve commensurate advantages in terms of respect for human and peoples' rights of the peoples involved;

(d) Nevertheless, the peoples' right to self-determination remains and must be given effective content. It is not confined to a right to be enjoyed by formerly colonized peoples. It is not a right to be enjoyed once only and thereafter to be forever lost. It is not a right conferred on peoples by States, but by international law itself. It is a right often asserted by peoples in the face of States which seek to deny it. Political events often overtake the ruminations of lawyers and other observers about the existence and content of the right in particular circumstances. And the right remains a reminder of the ultimate accountability of every State and every political system to the peoples who live under its legal jurisdiction. Where the jurisdiction is intolerable, repressive of minorities or simply uncongenial to a majority of peoples in a given area, the peoples' right to self-determination remains the ultimate legal principle to which such peoples can appeal in asserting the legitimacy of their entitlement to change their Government and organize themselves in a new and different policy. Thus it has been since ancient times, thus it remains today;

(e) Since the last meeting of experts in Paris there have been important developments in the connected field of the rights of minorities and of members of minority groups. The precise relationship between "peoples" and such "minorities" needs further elucidation. However, this elucidation should not hold up the beneficial developments of international law and practice (nor of national laws and practices) for the purpose of safeguarding the cultural rights of minorities and the rights of members of ethnic, linguistic, cultural, religious or national minorities to respect for their distinct cultural identities within their present States;

(f) UNESCO should continue its pathfinding work of elucidation of the rights of peoples, especially within its fields of competence with regard to the respect of cultural identity and cultural concerns. It should reflect the important developments in the respect for minority rights which were noted in this meeting.

4. In 1991 UNESCO elaborated "Guidelines and criteria for the improvement of curricula, textbooks and other educational materials with a view to promoting an international dimension in education". These guidelines and criteria are designed for educational authorities, curriculum developers, textbook

researchers, writers and publishers, as well as for teachers. Among other things, the guidelines and criteria deal with matters related to minorities, in particular the equality of peoples, the rights of minorities, cultural identity and diversity, the inadmissibility of discrimination and national, ethnic and cultural prejudices. It is hoped that the application of the guidelines and criteria during the 1992-1993 biennium will permit to improve the presentation of problems of minorities in educational materials devoted to international education.

5. Human rights, international and intercultural understanding are considered within the main themes of UNESCO's Associated Schools Project (ASP). During the 1992-1993 biennium, in connection with the teaching materials on cultures of member States, ASP is undertaking the preparation of material entitled: "The importance of teaching about indigenous peoples", which is intended for distribution amongst more than 2,500 Associated Schools in 105 member States.